

**FILED**

**FEB 17 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

TOMMIE WHAYNE,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants - Appellees.

No. 05-15951

D.C. No. CV-05-01258-MMC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
Maxine M. Chesney, District Judge, Presiding

Submitted February 13, 2006<sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Tommie Whayne appeals pro se from the judgment of the district court dismissing for improper venue his action alleging, among other things, that the United States and other entities committed various acts of wrongdoing against him

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

with respect to the calculation and payment of his Social Security benefits. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a dismissal for improper venue. *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 1253 (9th Cir. 1997). We affirm.

The district court correctly dismissed Wayne’s action for improper venue because neither Wayne nor any defendant resided in the Northern District of California, and no events or omissions giving rise to Wayne’s claims occurred in the Northern District. *See* 28 U.S.C. § 1391(e).

Wayne’s “motion to quash” the Appellate Commissioner’s August 17, 2005 order is denied.

**AFFIRMED**